

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

TIFFANY HOLLAND

VS.

WALMART STORES TEXAS, LLC

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CIVIL ACTION NO.

DEFENDANT DEMANDS A JURY

**NOTICE OF REMOVAL**

TO THE HONORABLE UNITED STATES DISTRICT COURT:

COMES NOW, Defendant WAL-MART STORES TEXAS, LLC (herein after “Walmart”), and files this Notice of Removal, pursuant to 28 U.S.C. §§ 1441 and 1446, removing the above-captioned case from the 133<sup>rd</sup> Judicial District Court, Harris County, Texas, to the United States District Court for the Southern District of Texas.

**I.  
RELEVANT FACTS**

1. Plaintiff Tiffany Holland (hereinafter “Plaintiff”) claims that on or about December 27, 2021, she was at Wal-Mart Store #3296 located at 2700 S. Kirkwood Road, Houston, Texas, when she “slipped and fell on an unidentified liquid substance.” *See* Exhibit A, Plaintiff’s Original Petition, at ¶8.

2. Plaintiff alleges that she is a resident of Harris County, Texas. *See Id.* at ¶3. Plaintiff’s lawsuit seeks damages over \$1,000,000. *See id.* at ¶2.

**II.  
THE PARTIES**

3. As noted, Plaintiff pleaded that she resides in Harris County, Texas. *See Id.* at ¶3. As such, Plaintiff is a citizen of the State of Texas.

4. Defendant Wal-Mart Stores Texas, LLC is now, and was at the time of filing of this action, a Delaware Limited Liability Company with its principal place of business in Arkansas. The citizenship of an LLC is the same as the citizenship of all its members. *Harvey v. Grey Wolf Drilling, Co.*, 542 F.3d 1077, 1080 (5th Cir. 2008). Wal-Mart Real Estate Business Trust is the sole member of Wal-Mart Stores Texas, LLC.

### **III. BASIS FOR REMOVAL**

5. Walmart removes this case to federal court because there is complete diversity of citizenship between the parties and the amount in controversy is greater than \$75,000, exclusive of interest and costs. *See* 28 U.S.C. § 1332(a).

#### **A. There is complete diversity of citizenship between Plaintiff and the Defendants.**

6. There is complete diversity of citizenship, *see* 28 U.S.C. §§ 1332, 1441, between the Texas Plaintiff and Walmart. As previously noted, Walmart is a citizen of Delaware and Arkansas.

#### **B. The amount in controversy requirement is met.**

7. A removing party may establish that the amount in controversy exceeds \$75,000 by showing the non-removing party explicitly sought damages over \$75,000. *See Gebbia v. Wal-Mart Stores, Inc.*, 233 F.3d 880, 881 (5th Cir. 2000). Here, Plaintiff's lawsuit expressly pleaded that she seeks monetary relief from her lawsuit in an amount over \$1,000,000. *See id.* at ¶2. Thus, this requirement has been satisfied.

#### **C. This removal is timely and venue is proper.**

8. This Notice of Removal is being filed within 30 days of service of Plaintiff's lawsuit on Walmart, and within one year of the commencement of this action. It is therefore timely.

Venue is proper in this District under 28 U.S.C. § 1441(a) because the state court where the action is pending is in this District.

**D. Procedural requirements for removal are satisfied**

9. Upon filing of this Notice of Removal of the cause, Walmart gave written notice of the filing to Plaintiff and her counsel as required by law. A copy of this Notice is also being filed with the Clerk of the Court of the 133<sup>rd</sup> Judicial District Court, Harris County, Texas, where this cause was originally filed. A copy of all processes, pleadings, and orders has been filed separately with this Court pursuant to 28 U.S.C. § 1446(a).

**IV.  
CONCLUSION AND PRAYER**

10. Based on the foregoing, Walmart has established that the amount in controversy exceeds \$75,000.00 and that diversity of citizenship exists between the remaining named parties in this case. Therefore, removal is proper in this case.

Respectfully submitted,

**BUSH & RAMIREZ, PLLC**

/s/ John A. Ramirez  
John A. Ramirez  
State Bar No. 00798450  
Federal ID No. 21280  
Ciara Perritano  
State Bar No. 24096440  
Federal ID No. 3530917  
5615 Kirby Drive, Suite 900  
Houston, Texas 77005  
Telephone: (713) 626-1555  
Facsimile: (713) 622-8077  
[jramirez.atty@bushramirez.com](mailto:jramirez.atty@bushramirez.com)  
[cperritano.atty@bushramirez.com](mailto:cperritano.atty@bushramirez.com)

**ATTORNEYS FOR DEFENDANT  
WAL-MART STORES TEXAS, LLC**

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing instrument has been sent to all interested counsel of record in accordance with the FEDERAL RULES OF CIVIL PROCEDURE on this 6<sup>th</sup> day of July 2022.

Chelsea Murfree  
Ramji Law Group  
9186 Katy Freeway  
Houston, Texas 77055

/s/ John A. Ramirez  
John A. Ramirez